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*DISH Network L.L.C.*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KRYSTA TREMKO,

**Plaintiff,**

V.

CAPITAL BANK; CHEX SYSTEMS, INC.;  
CLARITY SERVICES, INC.; DISCOVER  
BANK; DISH NETWORK L.L.C.; EQUIFAX  
INFORMATION SERVICES, LLC;  
EXPERIAN INFORMATION SOLUTIONS,  
INC.; FACTOR TRUST, INC.; KOHL'S /  
CAPONE; MASON COMPANIES INC.;  
SYNCHRONY BANK; and TRANS UNION,  
LLC.

### Defendants.

Case No: 2:24-cv-00307-APG-MDC

**SURREPLY TO PLAINTIFF'S  
OPPOSITION TO DISH'S MOTION TO  
SEVER**

1 Plaintiff's Opposition<sup>1</sup> to DISH's Motion to Sever is predicated on the argument that  
 2 because Plaintiff also alleged claims against Co-Defendant Equifax, "the allegations against  
 3 Equifax and Dish are inextricably linked as a matter of law." (Opp. at pg. 2.) But Plaintiff has now  
 4 settled with Equifax, and Equifax will be imminently dismissed from this case. (See ECF No. 59.)

5 As a result, the entire basis for Plaintiff's Opposition to DISH's Motion to Sever is now  
 6 moot. Plaintiff's Opposition does not dispute that her claims against the remaining Co-Defendants,  
 7 Factor Trust, Kohl's, Synchrony, or TransUnion do not share any common issues of law or fact  
 8 with her claim against DISH.

9 The most Plaintiff states is that DISH's alleged inquiry appears on the same credit report  
 10 as the alleged inaccuracy of Synchrony. (Opp. at pg. 4.) But whether DISH allegedly obtained  
 11 Plaintiff's credit report without a permissible purpose on January 24, 2023, has nothing to do with  
 12 whether Synchrony was reporting inaccurate information regarding her account with Synchrony  
 13 and failed to conduct a reasonable investigation into her dispute. Indeed, Plaintiff previously  
 14 attempted to distinguish *Tataryan v. Chase Bank (USA) N.A.*, No. CV 12-08788 DDP (FMOx),  
 15 2013 WL 424778 (C.D. Cal. Feb. 1, 2013) on the basis that the case did not involve any consumer  
 16 reporting agency. (Opp. at pg. 4.) Yet, given Plaintiff's settlement with Equifax, *Tataryan* is now  
 17 indistinguishable and directly on point.

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28 <sup>1</sup> Defined terms have the same meaning as set forth in DISH's Motion to Sever, (ECF No. 32), and Reply to Plaintiff's  
 Opposition (ECF No. 50).

In short, Plaintiff's settlement with Equifax moots the grounds upon which she opposed severance. Plaintiff's claims against the remaining Co-Defendants have nothing to do with DISH, and DISH's Motion should be granted.

Dated: June 6, 2024

Respectfully Submitted By:

# BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

/s/ Chad C. Butterfield

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*Attorneys for Defendant DISH Network, L.L.C.*

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP and that on this 6th day of June 2024, a true and correct copy of the  
foregoing **SURREPLY TO PLAINTIFF'S OPPOSITION TO DISH'S MOTION TO SEVER**  
as follows:

- 7            by placing same to be deposited for mailing in the United States Mail, in a sealed  
envelope upon which first class postage was prepaid in Las Vegas, Nevada;

8            via electronic means by operation of the Court's electronic filing system, upon  
each party in this case who is registered as an electronic case filing user with the  
Clerk;

9

10           via hand-delivery to the addressees listed below;

11           via facsimile;

12

13           by transmitting via email the document listed above to the email address set forth  
below on this date before 5:00 p.m.

BY /s/ Jillian M. Forrest

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## An Employee of

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